

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-10

ACDA-05 SAJ-01 /073 W

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R 081303Z MAY 75

FM AMEMBASSY BERLIN

TO SECSTATE WASHDC 789

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY HELSINKI

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY OSLO

AMEMBASSY PARIS

AMEMBASSY STOCKHOLM

USMISSION NATO

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E.O. 11652: N/A

TAGS: CGEN, PFOR, GE, FI

SUBJECT: NATIONALITY PROVISIONS IN GDR-FINNISH CONSULAR CONVENTION

REF: BERLIN 5640

1. THE FINNISH EMBASSY IN EAST BERLIN HAS PROVIDED THE EMBASSY WITH THE TEXT OF THE TWO PROVISIONS RELATING TO NATIONALITY AS NOTED ABOVE (TRANSLATION FROM GERMAN IS AN UNOFFICIAL US EMBASSY VERSION--GERMAN TEXT BEING SENT SEPARATELY TO WASHINGTON);

A) ARTICLE I, PARAGRAPH 2-"CITIZENS OF THE SENDING STATE ARE THE PERSONS WHO HAVE THAT CITIZENSHIP ACCORDING TO THE LEGAL REGULATIONS (RECHTSVORSCHRIFTEN) OF THE SENDING STATE".

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B) ARTICLE I, PARAGRAPH 3-"LEGAL (JURISTISCHE) PERSONS OF THE SENDING STATE ARE THOSE WHO HAVE BEEN DECLARED (GEGRUENDET) TO BE SO ACCORDING TO THE LEGAL REGULATIONS OF THE SENDING STATE."

2. THE TEXT OF THE RECENTLY-CONCLUDED PREAMBLE TO THIS CONVENTION MAKES SPECIFIC REFERENCE TO THE PRINCIPLES AND GOALS OF THE UNITED NATIONS (GERMAN TEXT ALSO BEING SENT).

3. COMMENT: IN PROVIDING THE ABOVE TEXTS, THE FINNISH DCM MADE THE FOLLOWING COMMENTS:

A) THE FINNISH GOVERNMENT DID NOT WANT A DEFINITION OF NATIONALITY IN THE CONVENTION AND HAD HELD OUT FOR SEVERAL MONTHS AGAINST INCLUSION OF SUCH A PROVISION. THE CONVENTION TEXT, EXCEPT FOR THE NATIONALITY PROVISION, HAD BEEN AGREED AND INITIALED IN JUNE, 1974. GDR AUTHORITIES, HOWEVER, WERE INSISTENT THAT A DEFINITION OF NATIONALITY BE INCLUDED, ESPECIALLY AFTER CONCLUSION OF THE GDR-AUSTRIAN CONVENTION WHICH CONTAINS A DEFINITION OF NATIONALITY.

B) REFERENCE TO THE U.N. CHARTER IS UNUSUAL IN A CONSULAR CONVENTION, BUT THE FINNISH GOVERNMENT FELT IT WAS NECESSARY TO HAVE SOME BASIS FOR HANDLING HUMANITARIAN CASES WHICH MIGHT ARISE. (THIS APPEARS TO BE A FINNISH QUID PRO QUO FOR ACCEPTING THE PROVISIONS ON NATIONALITY). COOPER

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Margaret P. Grafeld
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